

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 16th DAY OF DECEMBER 2002, AT 7:15 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Mary W. Biggs	-Chair
	Larry N. Rush	-Vice Chairman
	Gary D. Creed	-Supervisors
	John A. Muffo	
	Annette S. Perkins	
	James D. Politis	
	C.P. Shorter	
	Jeffrey D. Johnson	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	T.C. Powers, Jr.	-Planning Director
	Steve Sandy	-Zoning Administrator
	Robert C. Parker	-Public Information Officer
	Vickie L. Swinney	-Secretary

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The Chair called the meeting to order and the Pledge of Allegiance was recited.

PUBLIC HEARINGS

Special Use Permit

Larry W. Puckett requests a Special Use Permit, with possible conditions, in Agriculture (A-1) to allow a garden center. The property is located at 4055 and 4065 Childress Road and is identified as Tax Parcel Nos. 127-9-5,6 (Account ID #033488, 033489) in the Riner Magisterial District. The property lies in an area designated as Agriculture in the Comprehensive Plan.

At their December 11, 2002 meeting, the Planning Commission recommended approval of this request with nine conditions.

Larry Puckett, applicant, was available to answer questions.

There being no speakers, the public hearing was closed.

PUBLIC ADDRESS SESSION

Mickey Apgar addressed the Board concerning his request for rezoning and a special use permit. Mr. Apgar asked the Board to do what is right and approve his request.

Allen Boynton, Wildlife Biologist Supervisor for the Department of Game and Inland Fisheries, addressed the Board about management of national forest lands, specifically the designation of additional wilderness areas in our national forest. Mr. Boynton explained that the Department of Game and Inland Fisheries works closely with the US Forest Service to manage wildlife in Jefferson National Forest and help make land management decisions. The US Forest Service is in the process of revising the 1985 Jefferson Land Management Plan. The revised plan will give the US Forest Service's proposal for management of the Jefferson National Forest, which recommends including 17,000 acres to the existing wilderness. Mr. Boynton asked the Board to review the US Forest Services's draft management plan, scheduled to be released in January, before asking the US Forest Service to establish wilderness areas in Montgomery County.

Cindy Schiffer, District Ranger for the New River Valley Ranger District, addressed the Board about the US Forest Service's revised management plan. Ms. Schiffer described the process and explained that the US Forest Service is required to revised the management plan every fifteen years. The last management plan for the Jefferson National Forest was adopted in 1985. A draft plan is scheduled to be released in January, 2003. Several public meetings will be conducted to hear public comment on the draft plan. After reviewing public input, a final plan will be submitted by mid summer for approval.

Lynn Chenault, Executive Director, New River Valley Community Services, addressed the Board with concerns about the impact of the state budget cuts to the NRVCS and their decision to cut or eliminate certain services offered by the NRVCS. Mr. Chenault stated there is no simple solution, and hard decisions had to be made on which consumers and families will be affected by the cuts, such as the Goodwill Industries. He explained that NRVCS has lost a total of \$1.2 million over the past three years. Mr. Chenault expressed concern with the Board's decision to directly fund the Goodwill Industries, and clarified misleading information submitted to the Board by Goodwill Industries.

Arthur Buikema, member of the New River Valley Community Services Board, addressed the Board about the budget cuts to the NRVCS. Mr. Buikema stated the decision to eliminate funding for the Goodwill Industries was not an easy one; however, in these austere times services had to be cut. He also expressed concerns with members of the NRVCSB appearing before the Board to request services for the Goodwill Industries be reinstated. He is appalled that these individuals misrepresented the facts and influenced the Board of Supervisors to withdraw funds from the NRVCS and directly fund the Goodwill Industries. He

asked that the Board investigate the NRVCSB appointments carefully for conflicts of interest and inappropriate conduct in public meetings.

Danny Thorn - Chair Biggs read the following e-mail from Danny Thorn with concerns about the Wilderness Area.

“ To the Montgomery County Board of Supervisors,

I feel the Wilderness Area is a very complex issue. I feel that the Supervisors need all the information that can be obtained before making a decision to support this Wilderness Area recommendation.

The National Forest Service will be coming out with a draft plan on Wilderness Area designation sometime in January. I feel it is very important that you discuss this issue with the Forest Service, the Virginia Game Department and any other group or organization that may be interested in this issue. The National Forest has a long-range plan for this area. I am sure the ranger from the Blacksburg district would be happy to answer any questions you have.

I hope that you will defer from making any recommendation on this issue until you have more information about the Wilderness Area designation. Remember - once this area is declared a Wilderness Area, it will stay that way forever. We need to be sure of what we are doing before we make this decision.

Danny Thorn”

DELEGATION

Virginia Wilderness

1. Wilderness Area on the north side of Brush Mountain
2. Management Change in Poverty Hollow

Lindsey West described a wilderness designation proposal on the north side of Brush Mountain and asked the Board’s support in requesting the US Forest Service to consider designating the north side of Brush Mountain as part of the wilderness designation. Ms. West also addressed the proposed forest management changes to Poverty Hollow recommended by the US Forest Service.

Mark Miller addressed the draft Revised Jefferson Forest Management Plan. Mr. Miller stated this process started two years ago and believes there is insufficient recommendations on land management and wilderness designations. Mr. Miller indicated there are other areas that should be designated in the wilderness area, with one being the north side of Brush Mountain located in Montgomery County. He also addressed the management designation of Poverty Hollow in the Revised Jefferson Management Plan. Mr. Miller believes the recreational utilization of Poverty Hollow is an important benefit to the county and its tourism economy and timber harvesting would lessen the recreational value of Poverty Hollow. Therefore,

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Mr. Miller is asking the Board's support in changing the management designation of Poverty Hollow and support the designation of Brush Mountain area as a Wilderness Designation.

ADDENDUM

On a motion by Annette S. Perkins, seconded by Gary D. Creed and carried unanimously, the following Addendum dated December 16, 2002 was added to the agenda:

INTO CLOSED MEETING

Section 2.1-3711 (5) Discussion Concerning a Prospective Business or Industry or the Expansion of an Existing Business or Industry Where No Previous Announcement Has Been Made of the Business' or Industry's Interest in Locating or Expanding its Facilities in the Community

1. Prospective Industry

The vote on the foregoing motion was as follows:

AYE

John A. Muffo
Annette S. Perkins
Gary D. Creed
James D. Politis
C.P. Shorter
Larry N. Rush
Mary W. Biggs

NAY

None

CONSENT AGENDA

On a motion by Larry N. Rush, seconded by C.P. Shorter and carried unanimously, the Consent Agenda dated December 16, 2002 was approved.

The vote on the foregoing motion was as follows:

AYE

Larry N. Rush
C.P. Shorter
James D. Politis
Gary D. Creed
Annette S. Perkins

NAY

None

John A. Muffo
Mary W. Biggs

Approval of Minutes

On a motion by Larry N. Rush, seconded by C.P. Shorter and carried unanimously, the minutes dated September 23, 2002 were approved.

Community Development Block Grant - New River Valley Free Clinic

On a motion by Larry N. Rush, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2003 for the function and in the amount as follows:

801	General Services	\$499,700
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

424402	Federal Grants	\$499,700
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Said resolution appropriates Community Development Block Grant funds for renovations for the New River Valley Free Clinic.

Library - Appropriation Adjustment

On a motion by Larry N. Rush, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was reduced for the fiscal year ending June 30, 2003, for the function and in the amount as follows:

710	Montgomery Library	(\$40,518)
720	Floyd Library	(\$ <u>7,150</u>)
	Total	(\$47,668)

The source of the funds for the foregoing reduction is as follows:

Revenue Account

424409	State Aid	(\$47,668)
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BE IT FURTHER RESOLVED, That a transfer is authorized as follows:

FROM:

710	Montgomery Library	(\$2,535)
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TO:

720	Floyd Library	\$2,535
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Said resolution adjusts the appropriation for use by the Library.

Social Services-Appropriation Adjustment

On a motion by Larry N. Rush, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, By the Montgomery County Board of Supervisors that the General Fund annual appropriation was reduced for the fiscal year ending June 30, 2003 for the function and in the amount as follows:

540	Social Services	(\$282,065)
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The source of the funds for the foregoing reduction is as follows:

Revenue Account

424102	Public Assistance Payments	(\$282,065)
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FURTHER, BE IT RESOLVED, That a transfer is hereby authorized, as follows:

FROM:

540	Social Services	(\$ 62,532)
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TO:

950	General Contingencies	\$ 62,532
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Said resolution adjusts the FY 03 appropriation to match local mandates within the state approved budget for the Department of Social Services and transfers funds from Social Services to General Contingencies to reflect the decrease in local public assistance mandates.

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Social Services - Additional Appropriation

On a motion by Larry N. Rush, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2003, for the function and in the amount as follows:

540	Social Services	\$136,804
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The sources of the funds for the foregoing appropriation is as follows:

Revenue Account

424102	Public Assistance	\$136,804
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FURTHER, BE IT RESOLVED, That a transfer is hereby authorized, as follows:

FROM:

950	General Contingencies	(\$ 2,551)
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TO:

540	Social Services	\$ 2,551
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Said resolution appropriates funding for the Energy Assistance Program, the Adoption Subsidy and Special Needs Adoption Programs, the Non-View Daycare Program, and the Food Stamps Program and transfers the required local match from General Contingencies.

Commonwealth's Attorney - Appropriation

On a motion by Larry N. Rush, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2003 for the function and in the amount as follows:

220	Commonwealth's Attorney	\$422
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The sources of the funds for the foregoing appropriation is as follows:

Revenue Account

419104	Confiscations	\$422
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Said resolution appropriates monies received in the Forfeited Asset Sharing Program from the Department of Criminal Justice Services.

Sheriff - Recovered Costs

On a motion by Larry N. Rush, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2003, for the function and in the amount as follows:

310	Sheriff – Compensation Board	\$ 8,898
321	Sheriff - Grants	<u>\$ 1,208</u>
	Total	\$10,106

The source of the funds for the foregoing appropriation is as follows:

Revenue Account

419108	Recovered Costs	\$ 8,898
424401	Project Life Saver Contributions	<u>\$ 1,208</u>
	Total	\$10,106

Said resolution appropriates funds received as a reimbursement for extraditions, refunds for overpayments, reimbursements for damages by inmates, and Project Life Saver Contributions.

Final Plat – US Route 11 Light Industrial & Small Business Center

On a motion by Larry N. Rush, seconded by C.P. Shorter and carried unanimously,

WHEREAS, The US Route 11 Light Industrial & Small Business Center consists of 9 lots located off Radford Road (US Route 11) and has been found to meet the requirements of the Montgomery County Code Chapter 8, Article IV (Subdivision Ordinance) with all lots served by a private street in accordance with the Montgomery County Code, Section 8-152(b)(1) permitting private streets in commercial or industrial developments.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia does hereby approve the Final Plat of the US Route 11 Light Industrial & Small Business Center (Gay and Keesee Inc. Job No. 1144.1 dated 07/10/02), Riner Magisterial District, with all lots served by a private street.

FURTHER, The Chairman is hereby authorized to sign said plat for recordation.

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Acknowledge Speed Study Report - Kirk Hollow Road (SR 637)

On a motion by Larry N. Rush, seconded by C.P. Shorter and carried unanimously,

WHEREAS, The Montgomery County Board of Supervisors received a petition from concerned citizens requesting a speed study on Kirk Hollow Road (SR 637); and

WHEREAS, By resolution dated September 9, 2002 the Board referred said request to the Virginia Department of Transportation for a traffic study on Kirk Hollow Road (SR 637) to determine the feasibility of reducing the speed limit; and

WHEREAS, The Resident Engineer has responded that a speed study has been completed by VDoT's Traffic Engineering Division; and

WHEREAS, As a result of the speed study, the Department of Transportation does not recommend reducing the speed limit at this time for the following reasons:

1. There seems to be reasonably good compliance with the current speed limit.
2. Minimum number of accidents during the most recent 5 year period.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia acknowledges receipt of the Resident Engineer's report that no speed limit reduction on Kirk Hollow Road (SR 637) will be undertaken at this time and extends its appreciation to the Virginia Department of Transportation for the report.

OLD BUSINESS

Remove from the Table - T. Todd & Paige Walters Request to Amend Special Use Permit

On a motion by Larry N. Rush, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that T. Todd & Paige Walters (Agent: T/A Valley Landscaping, Inc.) request for an amendment to a Special Use Permit originally approved with conditions on March 13, 2000 in Agriculture (A-1) on a 18.510 acre tract, for a Garden Center is hereby **removed from the table**.

The vote on the foregoing motion was as follows:

AYE

C.P. Shorter

James D. Politis

NAY

None

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Gary D. Creed
Annette S. Perkins
John A. Muffo
Larry N. Rush
Mary W. Biggs

Special Use Permit Request - T. Todd & Paige Walters (Agent: T/A Valley Landscaping, Inc.)

On a motion by Annette S. Perkins, seconded by Larry N. Rush and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that T. Todd & Paige Walters (Agent: T/A Valley Landscaping, Inc.) request for an amendment to a Special Use Permit originally approved with conditions on March 13, 2000 in Agriculture (A-1) on a 18.510 acre tract, for a Garden Center is hereby approved subject to the following conditions:

1. Old bridge and culvert structure shall be removed from the stream to improve the flow of Cedar Run prior to issuance of building permits as recommended by Anderson and Associates (November 13, 2002).
2. A letter and map revision shall be submitted to the Federal Emergency Management Agency (FEMA) within thirty (30) days of approval of the Special Use Permit to update the Montgomery County Flood Insurance Rate Map (FIRM) for this area.
3. Construction shall be substantially in accordance with the conceptual site plan prepared by Anderson & Associates dated August 30, 2002.
4. All driveways and parking areas shall be gravel or other permeable surface to reduce stormwater runoff into Cedar Run.
5. Any fuel, chemicals (including fertilizers), and hazardous materials shall be stored at least 100 feet from the 100 year floodplain.

The property is identified as Tax Parcel No. 68-5-9A (Account ID #022007) and is located at 750 Den Hill Road in the Mount Tabor Magisterial District. The property lies in an area designated Rural Area in the Comprehensive Plan.

The vote on the foregoing resolution was as follows:

AYE

NAY

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James D. Politis None
Gary D. Creed
Annette S. Perkins
John A. Muffo
C.P. Shorter
Larry N. Rush
Mary W. Biggs

Remove from the Table - Robert Apgar's Request for Rezoning and Special Use Permit

On a motion by Gary D. Creed, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that Robert M. Apgar's (Agent: Hershel Scott) request to rezone approximately 65,000 square feet of land from A-1 (Agricultural) to General Business (GB) located at 10212 Roanoke Road and identified as Tax Parcel No. 47-A-32 (Account ID # 000839) in the Shawsville Magisterial District is hereby **removed from the table**.

BE IT FURTHER RESOLVED, Robert M. Apgar's (Agent: Hershel Scott) request for a Special Use Permit to allow manufactured home sales and service on approximately 65,000 square feet of land located at 10212 Roanoke Road and identified as Tax Parcel No. 47-A-32 in the Shawsville Magisterial District is hereby **removed from the table**.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	None
John A. Muffo	
C.P. Shorter	
Larry N. Rush	
James D. Politis	
Gary D. Creed	
Mary W. Biggs	

Rezoning Request - Robert Apgar (Agent: Hershel Scott)

On a motion by Gary D. Creed, seconded by Larry N. Rush and carried unanimously,

ORDINANCE 2002 -18
An Ordinance Amending the Zoning
Classification of Approximately 65,000 Square Feet from
Agriculture (A-1) to General Business (GB)

BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia that it hereby finds that the proposed rezoning is in compliance with the Comprehensive Plan and meets the requirement for public necessity, convenience, general welfare and good zoning practice, and therefore the zoning classification of that certain tracts or parcels of land consisting of approximately 65,000 square feet of land is hereby amended and rezoned from the zoning classification of A-1 (Agricultural) to General Business (GB) with the following proffered conditions:

1. Rezoning of 65,000 square feet to General Business is for automotive, light truck sales, service, rental and repair only.
2. A site plan in accordance with zoning ordinance shall be prepared by VA licensed engineer or surveyor and approved by zoning administrator prior to opening of business.
3. No outdoor advertising (billboard) signs shall be permitted on the property.
4. A VDOT commercial entrance permit shall be obtained prior to opening of business.
5. Any lighting installed shall be full cut-off type lighting to avoid glare onto adjacent properties and roadways.
6. The site shall not have a business, ~~requiring sewage~~, until the site is served by public sewer. This action was commenced upon the application of Robert M. Apgar (Agent: Hershel Scott).

The property is located at 10212 Roanoke Road and is identified as Tax Parcel No. 47-A-32 (Account ID # 000839) in the Shawsville Magisterial District. The properties lie in an area designated as Urban Expansion in the Comprehensive Plan.

This ordinance shall take effect upon adoption.

The vote on the foregoing ordinance was as follows:

AYE

NAY

John A. Muffo None

C.P. Shorter

Larry N. Rush

James D. Politis

Annette S. Perkins

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Gary D. Creed
Mary W. Biggs

Motion to Amend Special Use Permit - Robert Apgar (Agent: Hershel Scott)

James D. Politis made a motion, seconded by Larry N. Rush to amend the Special Use Permit as follows:

Condition # 2: Site shall contain no more than twelve (12) manufactured homes at any time and no more than ***forty (40)*** new or used automobiles.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
Larry N. Rush	C.P. Shorter	John A. Muffo
James D. Politis	Annette S. Perkins	
Gary D. Creed	Mary W. Biggs	

Special Use Permit - Robert Apgar (Agent: Hershel Scott)

On a motion by C.P. Shorter, seconded by Annette S. Perkins and carried,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that Robert M. Apgar's (Agent: Hershel Scott) request for a Special Use Permit to allow manufactured home sales and service is hereby approved with the following conditions:

1. Special Use Permit authorizes the sale of Class A and/or B manufactured homes only. No repair of manufactured homes shall occur on site. All manufactured homes shall be in good condition.
2. Site shall contain no more than twelve (12) manufactured homes at any time and no more than fifteen (15) new or used automobiles.
3. This Special Use Permit is valid for four (4) years from the date of approval by the Board of Supervisors.

The property is located at 10212 Roanoke Road and is identified as Tax Parcel No. 47-A-32 (Account ID # 000839) in the Shawsville Magisterial District. The properties lie in an area designated as Urban Expansion in the Comprehensive Plan.

The vote on the foregoing resolution was as follows:

AYE

Annette S. Perkins

John A. Muffo James D. Politis

C.P. Shorter

Mary W. Biggs

NAY

Larry N. Rush

Gary D. Creed

Special Use Permit - Kenneth & Joette Farrar

On a motion by James D. Politis, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that Kenneth & Joette Farrar's request for a Special Use Permit, with possible conditions, in Agriculture (A-1) to allow a private garage in excess of 850 square feet and sixteen (16) feet in height is hereby approved subject to the following conditions:

1. The proposed structure shall not exceed 1,540 sq. ft in area.
2. The height of the structure shall not exceed 21 ft.
3. The proposed structure shall match the architectural style of the existing home on the property.

The property is located at 1800 White Oak Lane and is identified as Tax Parcel No. 94-4-9 (Account ID #025189) in the Shawsville Magisterial District. The property lies in an area designated as an Urban Expansion Area in the Comprehensive Plan.

The vote on the foregoing resolution was as follows:

AYE

Larry N. Rush

James D. Politis

Annette S. Perkins

John A. Muffo

C.P. Shorter

Gary D. Creed

Mary W. Biggs

NAY

None

Special Use Permit - Keith & Constance Cedras

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On a motion by C.P. Shorter, seconded by Larry N. Rush and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that Keith & Constance Cedras's request for a Special Use Permit, with possible conditions, in Agriculture (A-1) to allow a private garage in excess of 850 square feet and sixteen (16) feet in height is hereby approved subject to the following conditions:

1. The proposed structure shall not exceed 1,800 sq ft in area.
2. The height of the structure shall not exceed 16 ft.

The property is located at 2131 Wake Forest Road and is identified as Tax Parcel No. 36-A-43D (Account ID #034103) in the Prices Fork Magisterial District. The property lies in an area designated as Rural Area in the Comprehensive Plan.

The vote on the foregoing resolution was as follows:

AYE

James D. Politis
Annette S. Perkins
John A. Muffo
Gary D. Creed
Larry N. Rush
C.P. Shorter
Mary W. Biggs

NAY

None

Conveyance of Easement - Prices Fork Water Project

On a motion by Larry N. Rush, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board hereby approves the conveyance of a 20 foot easement along the County's property adjacent to Merrimac Road identified as Tax Parcel 66-A-93E1 and further identified on the plan entitled "Prices Fork Water System Improvements Line C Plan and Profile" prepared by Anderson and Associates dated 28 Feb 02, with revisions dated 15 May 02, 20 June 02, and 04 Sept 02, to the Montgomery County Public Service Authority, for the purpose of constructing and operating a waterline and a 20 foot temporary

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construction easement during the period of construction of the waterline.

BE IT FURTHER RESOLVED, That the Board of Supervisors hereby authorizes Mary W. Biggs, Chairperson of the Board, to execute the said easements on behalf of the Board of Supervisors. The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	None
John A. Muffo	
Gary D. Creed	
Larry N. Rush	
C.P. Shorter	
James D. Politis	
Mary W. Biggs	

Conveyance of Easement - Prices Fork Water Project

On a motion by Larry N. Rush, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board hereby approves the conveyance of a 20 foot easement along the County's property adjacent to Merrimac Road identified as Tax Parcel 66-A-93 and further identified on the plan entitled "Prices Fork Water System Improvements Line C Plan and Profile" prepared by Anderson and Associates dated 28 Feb 02, with revisions dated 15 May 02, 20 June 02, and 04 Sept 02, to the Montgomery County Public Service Authority, for the purpose of constructing and operating a waterline and a 20 foot temporary construction easement during the period of construction of the waterline.

BE IT FURTHER RESOLVED, That the Board of Supervisors hereby authorizes Mary W. Biggs, Chairperson of the Board, to execute the said easements on behalf of the Board of Supervisors.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	None
John A. Muffo	
Gary D. Creed	
Larry N. Rush	
C.P. Shorter	
James D. Politis	
Mary W. Biggs	

Conveyance of Easement - Prices Fork Water Project

On a motion by Larry N. Rush, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board hereby approves the conveyance of a 20 foot easement along the County's property referred to as the Huckleberry Trail and further identified on the plan entitled "Prices Fork Water System Improvements Line C Plan and Profile" prepared by Anderson and Associates dated 28 Feb 02, with revisions dated 15 May 02, 20 June 02, and 04 Sept 02, to the Montgomery County Public Service Authority for the purpose of constructing and operating a waterline and a 20 foot temporary construction easement during the period of construction of the waterline.

BE IT FURTHER RESOLVED, That the Board of Supervisors hereby authorizes Mary W. Biggs, Chairperson of the Board, to execute the said easements on behalf of the Board of Supervisors.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	None
John A. Muffo	
Gary D. Creed	
Larry N. Rush	
C.P. Shorter	
James D. Politis	
Mary W. Biggs	

Rural Addition Priority List

On a motion by C.P. Shorter, seconded by Larry N. Rush and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Rural Addition Priority List for Fiscal Year 2003-2004 is approved as follows:

Priority 1 **Big Vein Road.** Beginning at a point on Route 652, 0.3 mi. west of Route 696, and thence extending in a northerly direction 0.5 mi. to a turn-around. Estimated project cost - \$66,600.

- Priority 2** **Cornbread Road.** Beginning at a point on Route 665, 0.40 mi. west of Route 787, and thence extending in a southerly direction 0.45 mi. to a turn-around. Estimated project cost - \$68,600.
- Priority 3** **Regency Road.** Beginning at a point on Route 753, 0.04 mi. north of Route 11/460, and thence extending in a westerly direction 0.05 mi. to a turn-around. Estimated project cost - \$8,000.
- Priority 4** **Sunflower Road.** Beginning at the end state maintenance of Route 729, 1.0 mi. north of Route 612, and thence extending in a northerly direction 0.70 mi. to a turn-around. Estimated project cost - \$211,500.
- Priority 5** **Brake Road.** Beginning at the end of State maintenance of Route 831 and extending in a southerly direction 0.671 mi. to a turn-around. Estimated project cost - \$120,000.
- Priority 6** **Wrights Way.** Beginning at a point on Route 785 and extending in a northerly direction .17 mi to a turn-around. Estimated project cost - \$40,000.
- Priority 7** **Opal Lane.** Beginning at a point on Route 815, 0.95 mile north of Route 785 and thence extending in an easterly direction 0.20 mile to a turn around. Estimates project cost - \$40,000.
- Priority 8** **Riffe Street.** Beginning at a point on Route 9263, .023 mile west of Route 11 & 460 and thence extending in a westerly direction 0.15 mile to a turn-around. Estimated project cost - \$40,000.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Larry N. Rush	None
C.P. Shorter	
James D. Politis	
Annette S. Perkins	
John A. Muffo	
Gary D. Creed	

Mary W. Biggs

NEW BUSINESS

Reconciliation of Compensation Board Budgets

On a motion by John A. Muffo, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was reduced for the fiscal year ending June 30, 2003, for the function and in the amount as follows:

150	Commissioner of Revenue	(\$19,245)
160	Treasurer	(\$19,661)
250	Circuit Court Clerk	(\$28,706)
200	Commonwealth's Attorney	<u>(\$33,970)</u>
	Total	(\$101,582)

The sources of the funds for the foregoing is as follows:

423100	Shared Expenses	(\$101,582)
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BE IT FURTHER RESOLVED, That a transfer is authorized as follows:

FROM:

950	General Contingencies	(\$101,582)
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TO:

150	Commissioner of Revenue	\$19,245
160	Treasurer	\$19,661
250	Circuit Court Clerk	\$28,706
200	Commonwealth's Attorney	<u>\$33,970</u>
	Total	\$101,582

Said resolution reduces the revenue to be received from the State Compensation Board, the new source of funding is from General Contingencies.

The vote on the foregoing resolution was as follows:

AYE

C.P. Shorter

NAY

None

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James D. Politis
Annette S. Perkins
John A. Muffo
Gary D. Creed
Larry N. Rush
Mary W. Biggs

Reassessment - Transfer from General Contingencies

On a motion by C.P. Shorter, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a transfer of appropriation is hereby authorized, as follows:

FROM:

950 General Contingencies (\$20,000)

TO:

153 Reassessment \$20,000

Said resolution transfers appropriated funds from General Contingencies to the Reassessment for the payment of clerical support services and compensation for the Board of Equalization.

The vote on the foregoing resolution was as follows:

AYE

James D. Politis
Annette S. Perkins
John A. Muffo
Gary D. Creed
Larry N. Rush
C.P. Shorter
Mary W. Biggs

NAY

None

Comprehensive Services Act - Supplemental Appropriation and Transfer from Contingencies

On a motion by Gary D. Creed, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the

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General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2003, for the function and in the amount as follows:

510	Comprehensive Services Act	\$396,615
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

02510-424445	Comprehensive Services Act	\$396,615
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BE IT FURTHER RESOLVED, By the Board of Supervisors of Montgomery County that a transfer is hereby authorized, as follows:

FROM:

950	General Contingencies	(156,854)
-----	-----------------------	-----------

TO:

510	Comprehensive Services Act	\$156,854
-----	----------------------------	-----------

Said resolution appropriates a supplemental allocation from the State for the Comprehensive Services Act and transfers the local match for the supplement from General Contingencies.

The vote on the foregoing resolution was as follows:

AYE

Annette S. Perkins
John A. Muffo
Gary D. Creed
Larry N. Rush
C.P. Shorter
James D. Politis
Mary W. Biggs

NAY

None

Extending the Deadline for the Payment of 2002 B Real Estate Taxes and 2002 Personal Property Taxes

December 16, 2002

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On a motion by James D. Politis, seconded by Gary D. Creed and carried unanimously,

**RESOLUTION EXTENDING THE DEADLINE
FOR THE PAYMENT OF 2002 B REAL ESTATE TAXES
AND 2002 PERSONAL PROPERTY TAXES
FROM DECEMBER 5, 2002 TO DECEMBER 11, 2002**

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that good cause exists to extend the deadline for the payment of 2002 B Real Estate Taxes and the 2002 Personal Property Taxes as follows:

1. All 2002 taxes or levies on tangible personal property in Montgomery County due and payable on December 5, 2002 shall be due and payable to the Montgomery County Treasurer on or before December 11, 2002.
2. All 2002 B taxes or levies on real estate in Montgomery County due and payable on December 5, 2002 shall be due and payable to the Montgomery County Treasurer on or before December 11, 2002.
3. Penalty on delinquent taxes shall commence on December 12, 2002 for the 2002 Personal Property taxes and the 2002 B Real Estate Taxes not paid by December 11, 2002.
4. Interest on delinquent taxes shall still commence on January 1, 2003 as provided for under Section 2-33 of the Code of Montgomery County, Virginia for the 2002 Personal Property Taxes and the 2002 B Real Estate Taxes not paid by December 11, 2002.

The vote on the foregoing resolution was as follows:

AYE

NAY

John A. Muffo None

Gary D. Creed

Larry N. Rush

C.P. Shorter

James D. Politis

Annette S. Perkins

Mary W. Biggs

Resolution Opposing the Elimination of Virginia's Meat Inspection Program

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On a motion by James D. Politis, seconded by Gary D. Creed and carried,

WHEREAS, The Virginia Department of Agriculture and Consumer Service operates the Office of Meat and Poultry Services (OMPS) which administers regulatory programs to ensure that safe, wholesome, unaltered and truthfully labeled products are offered for sale to consumers; and

WHEREAS, The OMPS operates a state-run meat/poultry inspection program, and its employees are certified by the United States Department of Agriculture (USDA); and

WHEREAS, The OMPS administers the Virginia Meat & Poultry Inspection Act; and

WHEREAS, Virginia's inspection program has adopted the federal regulations and maintains an "equal to" status with the federal program, enabling Virginia plants to ship products to foreign countries, other states and within Virginia; and

WHEREAS, Recent budget reduction plans have slated the return of the meat inspection program to the USDA, thereby eliminating Virginia's "equal to" status inspection program in an effort to generate \$1 million in savings; and

WHEREAS, This action significantly reduces Virginia's producers and processors ability to receive timely, cost-effective inspections which are critical to the marketing and sale of their products.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby requests Governor Mark Warner to reinstate these funds.

BE IT FURTHER RESOLVED, That the Board requests its legislative delegation support this request and a copy of this resolution be sent to each member and to the Virginia Association of Counties (VACo).

The vote on the foregoing resolution was as follows:

AYE NAY

Gary D. Creed John A. Muffo

Larry N. Rush

C.P. Shorter

Annette S. Perkins

James D. Politis

Mary W. Biggs

2232 Review – Long Shop McCoy Consolidated Collection Site

On a motion by C.P. Shorter, seconded by John A. Muffo and carried unanimously,

WHEREAS, In accordance with state law, the Board of Supervisors by Resolution of July 13, 1998, established a policy for Planning Commission review of any public building, structure, facility or area prior to its construction, establishment or authorization in accordance with Section 15.2-2232 of the Code of Virginia, 1950, as amended; and

WHEREAS, The Planning Commission at its Regular Meeting of December 11, 2002, reviewed, and approved the Long Shop McCoy Consolidated Collection Site to be located in the 5400 block of McCoy Road as being substantially in accord with the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby acknowledges the findings of the Planning Commission.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Larry N. Rush	None
James D. Politis	
Annette S. Perkins	
John A. Muffo	
Gary D. Creed	
C.P. Shorter	
Mary W. Biggs	

2232 Review – Long Shop McCoy Fire & Rescue Station

On a motion by C.P. Shorter, seconded by John A. Muffo and carried unanimously,

WHEREAS, In accordance with state law, the Board of Supervisors by Resolution of July 13, 1998, established a policy for Planning Commission review of any public building, structure, facility or area prior to its construction, establishment or authorization in accordance with Section 15.2-2232 of the Code of Virginia, 1950, as amended; and

WHEREAS, The Planning Commission at its Regular Meeting of December 11, 2002, reviewed, and approved the Long Shop McCoy Fire & Rescue Station to be located at 5770 McCoy Road as being substantially in accord with the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby acknowledges the findings of the Planning Commission.

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The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
James D. Politis	None
John A. Muffo	
Gary D. Creed	
Larry N. Rush	
Annette S. Perkins	
C.P. Shorter	
Mary W. Biggs	

BOARD OF EQUALIZATION

On a motion by Annette S. Perkins, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, That pursuant to Section 58.1-3370 of the 1950 Code of Virginia, as amended, the Board of Supervisors of Montgomery County does hereby request the Honorable Ray W. Grubbs, Judge of the Circuit Court of Montgomery County, Virginia, to create and appoint for Montgomery County a Board of Equalization of real estate assessments.

FURTHER, It is requested that the Board of Equalization consist of 3 Landowners of the County.

BE IT FURTHER RESOLVED, By the Montgomery County Board of Supervisors, the following individuals are recommended to the Honorable Ray W. Grubbs, Judge of the Circuit Court of Montgomery County for consideration and appointment to the Board of Equalization:

Robert Poff
Harlan E. White
Crosby Houston

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	None
James D. Politis	
John A. Muffo	
Larry N. Rush	
C. P. Shorter	
Gary D. Creed	
Mary W. Biggs	

INTO WORK SESSION

On a motion by Larry N. Rush, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. Merchants Capital Tax

The vote on the foregoing motion was as follows:

AYE

Gary D. Creed None

Larry N. Rush

Annette S. Perkins

C.P. Shorter

James D. Polits

John A. Muffo

Mary W. Biggs

NAY

Supervisor Creed presented information regarding merchants' capital tax, particularly as it relates to the Shelor Automotive Group and other automobile dealers. The Board discussed various options, including capping the tax at \$200,000 per company, in order to collect some revenue, and reducing the incentive for retail dealers to relocate inventory out of the County on tax day to avoid the tax; amending the rate structure or assessment schedule; more aggressive collections; or implementing a business, professional, occupational and license tax (BPOL).

OUT OF WORK SESSION

On a motion by Annette S. Perkins, seconded by Larry N. Rush and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

The vote on the foregoing motion was as follows:

AYE

Larry N. Rush

Annette S. Perkins

C.P. Shorter

NAY

None

James D. Polits
John A. Muffo
Gary D. Creed
Mary W. Biggs

COUNTY ADMINISTRATOR'S REPORT

Metropolitan Planning Organization (MPO) The County Administrator reported that Montgomery County has agreed to act as the fiscal agent for the MPO. The MPO working group, which consists of members from the Town of Blacksburg, Town of Christiansburg, Montgomery County and the Virginia Department of Transportation will review this fiscal agent's duties in one year. The MPO will receive transit funding and the working group agreed that the Town of Blacksburg will receive these funds to continue the Blacksburg's Town Transit and Two Town Trolley services. Each jurisdiction must adopt a resolution supporting the MPO and Memorandum of Understanding. A plan must be submitted to the State by May, 2003.

BOARD MEMBERS' REPORTS

Supervisor Politis- Department of Social Services Supervisor Politis reported at the last Social Services Board meeting they discussed the space issue at the Department of Social Services. They are in need of more room. One solution mentioned was moving the Human Services Department to the Government Center in order to allow the Department of Social Services to expand.

Rural Rustic Road Program Supervisor Politis suggested the County pursue the Rural Rustic Road Program for FY 2003-2004. There seems to be several roads in the Six Year Road Plan that could be paved under the Rural Rustic Road Program.

Supervisor Shorter asked that VDoT be contacted about Thomas Lane. Apparently the last snow fall completely blocked the road.

Virginia Cooperative Extension Meetings have been held to discuss the possibilities on hiring the Extension Agents as consultants.

Supervisor Muffo School Board Supervisor Muffo asked if the joint meeting with the School Board has been rescheduled. Supervisor Biggs stated that this item will be discussed at the County/School Liaison meeting. January 9, 2003 or January 16, 2003 are possible dates.

Anti-Scalping Ordinance - Supervisor Muffo asked what the status was on the proposed ordinance for anti-scalping. The County Attorney explained that the County was still waiting for a response from Virginia Tech and the Town of Blacksburg to see if they are interested in the ordinance.

Planning Commission The Planning Commission is reviewing the Montgomery County Zoning Code

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concerning Special Use Permits for garages. They have determined that all requests for garages over a certain square footage should go before the Board of Zoning Appeals. A public hearing will be held at the Planning Commission's January 15th meeting and at the Board of Supervisors January 27th meeting.

Supervisor Creed Riffe Street Supervisor Creed asked what the status was on Riffe Street. The County Administrator reported that Riffe Street has been added to the Rural Addition List and the Planning Department is in the process of obtaining the required right-of-way.

Supervisor Biggs expressed appreciation to all the County staff who worked on the Annual Employee Christmas Dinner, decorating the Christmas tree and organizing the reception for Senator Marye.

INTO CLOSED MEETING

On a motion by Annette S. Perkins, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

- Section 2.2-3711 (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body
1. Economic Development Commission
(Montgomery Regional) - 2 Appointments
2. Board of Zoning Appeals (Alternate)
3. Personnel Matters - County Employees
- (5) Discussion Concerning a Prospective Business or Industry or the Expansion of an Existing Business or Industry Where No Previous Announcement Has Been Made of the Business' or Industry's Interest in Locating or Expanding its Facilities in the Community
1. Prospective Industry

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Larry N. Rush	None
C.P. Shorter	
James D. Politis	
Annette S. Perkins	
Gary D. Creed	
John A. Muffo	
Mary W. Biggs	

OUT OF CLOSED MEETING

On a motion by Annette S. Perkins, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Larry N. Rush	None
C.P. Shorter	
James D. Politis	
Annette S. Perkins	
Gary D. Creed	
John A. Muffo	
Mary W. Biggs	

CERTIFICATION OF CLOSED MEETING

On a motion by James D. Politis, seconded by Annette S. Perkins and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

Larry N. Rush
C.P. Shorter
James D. Politis
Annette S. Perkins
Gary D. Creed
John A. Muffo
Mary W. Biggs

NAYS

None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

APPOINTMENTS

Economic Development Commission (Montgomery Regional) – 2 Appointments

On a motion by Annette S. Perkins, seconded by James D. Politis and carried unanimously,

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BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Ronald E. Chaffin** as New River Community College representative to the Montgomery Regional Economic Development Commission effective January 1, 2003 and expiring December 31, 2005.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	None
James D. Politis	
John A. Muffo	
Larry N. Rush	
C. P. Shorter	
Gary D. Creed	
Mary W. Biggs	

On a motion by Annette S. Perkins, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Jerry Kopf** as Radford University's representative to the Montgomery Regional Economic Development Commission effective January 1, 2003 and expiring December 31, 2005.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	None
James D. Politis	
John A. Muffo	
Larry N. Rush	
C. P. Shorter	
Gary D. Creed	
Mary W. Biggs	

Board of Zoning Appeals (Alternate)

On a motion by Annette S. Perkins, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby recommends to the Circuit Court Judge, the appointment of **David Moore** as an **alternate** member of the **Board of Zoning Appeals** effective January 1, 2003 and expiring December 31, 2007.

The vote on the foregoing resolution was as follows:

AYE

Annette S. Perkins
James D. Politis
John A. Muffo
Larry N. Rush
C. P. Shorter
Gary D. Creed
Mary W. Biggs

NAY

None

ADJOURNMENT

On a motion by Annette S. Perkins, seconded by James D. Politis and carried unanimously, the Board adjourned to Monday, January 13, 2003.

The vote on the foregoing motion was as follows:

AYE

Larry N. Rush
C.P. Shorter
James D. Politis
Annette S. Perkins
Gary D. Creed
John A. Muffo
Mary W. Biggs

NAY

None

The meeting adjourned at 11:45 p.m.